Historic Resources Code Project

Project Overview
November 2017
Historic Resources 101

- Historic resource programs subject to State Goal 5 requirements
- 2035 Comprehensive Plan includes historic resource goals and policies
- Zoning Code chapters 445 and 846 implement Portland’s historic resource programs
City historic resource designation process:

1. Survey resources
2. Determine significance of surveyed resources
3. Update citywide inventory (HRI)
4. Selectively designate inventoried resources
5. Apply protections to designated resources
Historic Resource Classifications

- National Register listing is a federal designation that is protected locally
- Local governments can designate Historic and Conservation Landmarks and Districts
- Owner consent required for local designations (ORS 197.772)
- Historic Resource Inventory (HRI) not a designation, but a determination of historic significance
Historic Resource Classifications

- All inventoried and designated historic resources are mapped: tinyurl.com/yc89k9d8
Historic Resources Code Project

1. Codify a framework for updating the 33-year-old citywide Historic Resource Inventory (HRI).
2. Overhaul procedures for designating and protecting local historic and conservation landmarks and districts.
3. Refine historic resource review thresholds, procedures, and exemptions; expand zoning code incentives.
Why This Project? Why Now?

- **King v Clackamas County**
  - Upheld use flexibility as an accepted regulatory tool for preservation.

- **“Carman House” case**
  - Narrowed application of owner consent law to just the owner at the time of designation.

- **Goal 5 Admin Rules**
  - Allows for update to inventories without owner consent, provides options for local and conservation district designation, clarifies minimum protection standards for National Register resources (demolition review).
Why This Project? Why Now?

- Growing list of historic resource review threshold, procedure, and exemption issues raised by staff and applicants
  - Demolition of garages in historic districts
  - Land divisions on Landmark properties
  - Minor exterior signs and vents
  - Adjustments and modifications
  - Rooftop solar installations
  - Application of historic resource review to new National Register listings
Why This Project? Why Now?

- An update to the citywide Historic Resources Inventory requires Zoning Code changes
  - Code currently requires owner consent for listing
  - Code allows for by-right removal following 120-day demolition delay
  - Listing procedure is not clearly defined by the code
Why This Project? Why Now?

- Identification of viable alternatives to the National Register
  - Local Historic and Conservation District designation has not been viable due to 100% consent rule
  - Regulatory protection programs for Local Historic and Conservation Landmarks/Districts not aligned with best practices
  - Revised local designation options could provide a more inclusive land use process than is provided by the federal designation
Why This Project? Why Now?

- New and expanded regulatory incentives are needed to better align historic preservation with other planning goals
  - Review covenant and land use process requirements for existing incentives
  - Explore new use-based incentive options for landmarks and districts
  - Dovetail with Residential Infill Project alternative housing options
What’s Not Included?

- New historic/conservation district design guidelines and/or standards
- Designation of new landmarks or districts
- Additions to or removal from the HRI
- Cash incentives
- Building regulations
## Code Development Process

### PHASE I: CONCEPT DEVELOPMENT

- **SEPT – OCT 2017**
  - Project Launch
  - Best Practice Research

- **NOV 2017 – JAN 2018**
  - Stakeholder Roundtables
  - Public Input Opportunities

### PHASE II: CODE AMENDMENTS

- **FEB – MARCH 2018**
  - Concept Refinement
  - Code Development

- **APRIL – JUNE 2018**
  - Public Review of Code Options
  - Stakeholder Roundtables

- **JULY – SEPTEMBER 2018**
  - Public Hearings
  - Planning and Sustainability Commission and City Council

### Process Details

- Historic Landmarks Commission provides guidance, input, support
- Planning and Sustainability Commission provides input, holds hearings, recommends to City Council
- City Council holds hearings, adopts final code
Concept Development

- Roundtable forums
  - Dec. 7, 6-7:30pm. *Why Portland’s historic places matter.*
  - Jan. 11, 6-7:30pm. *New tools for inventorying and adapting historic resources.*
  - Jan. 24, 6-7:30pm. *What’s working and what’s not in historic districts.*
  - Feb. 6, 6-7:30pm. *Local districts: An alternative to the National Register?*
Concept Development

Submit a card or provide comments to project team:

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Historic Resource Inventory (HRI)

- Last updated in 1984
- At least 33 historic resource surveys have occurred since, but none were adopted onto the HRI
- Several hundred landmark and district designations have occurred since 1984
- Outside consultant recommendations to be published in November
National Register Listing

- Only City involvement is a Historic Landmarks Commission advisory review
- Nomination vetted by State, approved by NPS
- Protections apply immediately upon designation
- City has applied design/demolition protections to National Register resources for 20+ years
Historic Resource Protections

- Demolition review (Type IV City Council hearing)
- Demolition delay (administrative process)
- Historic resource review (discretionary land use procedure)
  - General approval criteria
  - District-specific guidelines
- Design standards (clear and objective rules)